

August 15, 2011

## **DEPARTMENT OF JUSTICE UPDATE**

In February 2011, the Mississippi Department of Mental Health (DMH) was notified that the United States Department of Justice (DOJ) would be conducting an investigation of facilities operated by DMH for individuals with mental illness and intellectual disabilities. The investigation will focus on whether individuals are served in the most integrated setting appropriate. DOJ indicated that their main focus would be on investigating matters related to the Americans with Disabilities Act (ADA), the Medical Assistance Act, the U.S. Supreme Court's Olmstead decision, and the Court's mandate that persons be served in community settings if determined appropriate and for which there is no objection.

We want every person served and his/her family to be able to make choices about their options for receiving services and supports. Any person and his/her family currently served by the public mental health system should have choices.

Our only concern about DOJ's involvement is that we will be required to reconfigure services and supports for people who are currently involved in our programs at the expense of expanding capacity to serve people who are currently underserved or who are on waiting lists and not receiving any services at all.

We encourage all families, staff members and communities to become knowledgeable about the choices available. This process should be about all people interested in the public mental health system making informed decisions about what Mississippi's service system and supports will look like in the future.

Decisions regarding the most appropriate setting for an individual are made by our treatment professionals and individuals/legal representatives/family members. Our staff seeks to serve individuals in the environment most appropriate for their individual needs – which may be in a facility or residential/community-based setting. The goal for every individual is recovery - *their unique and ongoing process or journey to have a meaningful and productive life.*

DOJ has been involved with more than 25 states' mental health programs. In the past 12 months, three states have reached settlements with DOJ. During recent years, some settlements have included the forced closure of state institutions for persons with intellectual and developmental disabilities and long-term care facilities for individuals with a mental illness.

On May 31 – June 2, DOJ visited Mississippi State Hospital, Hudspeth Regional Center and Region 8 Community Mental Health Center (CMHC). DOJ representatives were very complimentary of the dedication and the level of care staff provide to the individuals they serve.

On August 8 – 11, DOJ returned to visit East Mississippi State Hospital, Ellisville State School, Specialized Treatment Facility, Boswell Regional Center, South Mississippi State Hospital, Mississippi Adolescent Center, Region 8 CMHC, Region 12 CMHC, Brookhaven Crisis Stabilization Unit, Laurel Crisis Stabilization Unit, and Millcreek.

DOJ will use the information obtained through records requests from DMH and visits to facilities and programs to issue a letter that reflects their findings. This is referred to as a “findings letter.” No conclusions have been reached to date.